

REMARKS

Claims 9-18 and 20-23 are pending in the present application. The Examiner has allowed claims 9-11, 22 and 23. The allowability of these claims is noted with appreciation. In the above amendments, claims 14-18 and 20-21 have been canceled without prejudice and claims 12 and 13 have been amended. These amendments add no new matter to the application. In view of the foregoing amendments, and remarks that follow, Applicant requests favorable consideration and timely indication of allowance.

In the Office Action mailed 5/12/06, the Examiner rejected claim 12 under 35 U.S.C. §102(e) as being anticipated by Baker et al. (5,490,139), rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Baker in view of Admitted Prior Art (APA) (paragraph 0010 of the specification), rejected claims 14-18 and 20-21 under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art (APA) (Background Art and figures 1 and 2) in view of Kubler et al (6,389,010).

CLAIM 12

On pages 2-3, paragraph 4, the Examiner rejected claim 13 under 35 U.S.C. §102(b) as being anticipated by Baker et al. (U.S. patent no. 5,490,139). The Examiner then cites col. 3, lines 33-40 and 51-53 of Baker et al. as disclosing the features of claim 12. Applicant respectfully disagrees with the Examiner's interpretation of Baker et al. In the Office Action, the Examiner has failed to point out where Baker et al. discloses a foreign agent. In fact, instead of using a foreign agent to receive data intended for a remote user, Baker et al. discloses that "Each of the access points 21 acts as a relaying agent for packets to and from mobile units 22." Col. 3, lines 33-34. Furthermore, Baker et al. discloses "Packets for the session and destined to the mobile unit from another mobile are sent between the current access points without first being routed through the home access point." Col. 2, lines 14-17. This is possible because "[e]ach of the access points 21 maintains a mobile database which keeps the current location information of all mobile units that initiated sessions with it, as well as the current

location of all mobiles communicating with the mobiles registered to this access point.” Col. 3, lines 1-5.

On the other hand, in the present patent application when a user leaves the area served by first network access point and enters the area served by a second network access point, packets destined to a user terminal will be sent to a home agent. The home agent will encapsulate these packets and send these packets to a foreign agent. The foreign agent will forward the packet to a control point associated with the network access point that currently provides a wireless link to the user terminal. See paragraphs [1037] and [1038] of the Specification.

Because Baker et al. does not disclose the use of a home agent and a foreign agent, it requires a more sophisticated access point. This may result in a more expensive access point that uses more power due to additional circuitry than in the present patent application. Claim 12 has been amended to include from a home agent clarify this point. Since all the features of claims 12 are not disclosed by Baker et al, claim 12 is patentable.

CLAIM 13

On pages 2- 3, paragraph 4, the Examiner rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Baker in view of Admitted Prior Art (APA) (paragraph 0010 of the specification). The Examiner admits that “Baker . . . does not specifically disclose a “home agent encapsulates the data destined to a current care-of-address of the remote user.” The Examiner goes on to state that “However, this feature is well known in the art.” The Examiner then concludes that it would have been obvious to combine “the home agent as taught by the APA in the system of Baker . . .” Applicants respectfully disagree with the Examiner because the Examiner has failed to provide a suggestion to combine paragraph [0010] of the present patent application with Baker et al. See MPEP 2143.01, “Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so . . .” Furthermore, Baker et al. teaches away from using a home agent. As stated above, Baker et al. discloses “Packets for the

session and destined to the mobile unit from another mobile are sent between the current access points *without* first being routed through the home access point.” (emphasis added) Col. 2, lines 14-17.

On the other hand, in the present patent application, when a user leaves the area served by first network access point and enters the area served by a second network access point, packets destined to a user terminal will be sent to a home agent. The home agent will encapsulate these packets and send these packets to a foreign agent. The foreign agent will forward the packet to a control point associated with the network access point that currently provides a wireless link to the user terminal. See paragraphs [1037] and [1038] of the Specification. Thus, since Baker et al teach away from using a home agent, Baker et al. should nor be combined with a home agent as taught by the APA. Thus, claim 13 is patentable. Withdrawal of this rejection is respectfully requested.

CLAIMS 14-18 and 20-21

On page 3, paragraph 5, the Examiner rejected claims 14-18 and 20-21 under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art (APA) (Background Art and figures 1 and 2) in view of Kubler et al (6,389,010)

Claims 14-18 and 20-21 have been canceled without prejudice.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 9/11/2006

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